

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7345 of 1997

Date of decision:29-1-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT STATE LAND DEVELOPMENT CORPORATION

Versus

SHAIKH MOHMED RAFIK SHAIKH AMIN C/O DS SHUKLA

Appearance:

MR HS MUNSHAW for Petitioner
MR AR SHAIKH for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of Order: 29/01/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

This petition had come up for admission before this court on 24-11-1997, when this court passed the following order:

" Heard Mr.Munshaw for the petitioner. According to him, at the highest the amount due to the respondent workman was Rs.8,915.44 ps. The petitioner is directed to pay this amount to the respondent. Mr. Munshaw states that a period of four weeks will be required to release this amount. The amount will be paid on or before 19th December, 1997.

Issue notice to the respondent returnable on 23-12-1997. On the aforesaid amount being paid to the respondent, the impugned award will remain stayed until further orders. Direct service is permitted."

The respondent workman has accepted Rs.8,915.44 ps. in full and final settlement of his claim as awarded by the Labour Court.

2. The respondent workman has made manifold claim under section 32C(2) of the Industrial Disputes Act, 1947 and the Labour Court computed and the total amount at Rs. 18,495/- to be paid by the petitioner to the respondent workman. Learned counsel for the petitioner is unable to satisfy this court how this amount of Rs.18,495/-is not payable to respondent workman. The main thrust of the argument of the learned counsel for the petitioner is that under section 33C(2) the Labour Court could not have passed such an order. Be that as it may. The substance of the matter is to be considered, when the respondent workman has agreed to accept only Rs.8,915.44 ps. against Rs.18,495/- awarded by the Labour Court. Then heavy burden lies on the petitioner to satisfy this court that even the amount of Rs.8,915.44 ps. was not payable to the respondent workman. Learned counsel for the petitioner is unable to discharge this burden in this case.

3. In view of the statement made by the learned counsel for the respondent that as against the awarded amount of Rs.18,495/- the respondent has settled the matter for Rs.8,915.44 ps. nothing further is required to be done

in the matter. In the result this petition is dismissed.
Rule discharged. No order as to costs.

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